## REMARKS

Prior to this Amendment, claims 1 and 5-31 were pending in this application, of which claims 6-30 were withdrawn from consideration as directed to a non-elected invention. Claim 1 has been amended, no new claims have been added, and no claims have been canceled. Support for the present amendment may be found throughout the specification and claims as originally filed, *e.g.*, in original claim 4. As such, no new matter enters by way of the present amendment. Therefore, claims 1 and 5-31 remain pending, or which claims 1, 5 and 31 are presented for examination following entry of the present amendment. Reconsideration of this application is respectfully requested in view of the amendments and following remarks.

***Information Disclosure Statement***

Applicants note that two separate Information Disclosures Statements submitted on September 22, 2003 and June 1, 2004, respectively, in compliance with 37 C.F.R. 1.98, have yet to be returned to Applicant indicating consideration by the Examiner, or reasons for non-consideration. An Information Disclosure Statement was also submitted on February 6, 2006, following issuance of the present Office Action. Applicants respectfully request consideration of the documents cited, and request that a signed and initialed PTO 1449 indicating such, or a statement of reasons for non-consideration, be returned with the next communication from the Office for each Information Disclosure Statement submitted. If the Examiner requires a courtesy copy of any of the previously submitted Information Disclosure Statements, please contact the undersigned.

***Rejection under 35 U.S.C. § 102(b)***

Claims 1, 5, and 31 stand rejected under 35 U.S.C. §102(b) as allegedly anticipated by U.S. Pat. No. 5,932,799 to Moles ("Moles"). This rejection is respectfully traversed for at least the reasons which follow.

The present claims recite a composite structure including a nonelastomer substrate and an elastomeric layer overlying the nonelastomer substrate. The nonelastomer substrate has a surface bearing a first recess extending along a length within the nonelastomer substrate to

permit fluid flow along the length, and the elastomeric layer bears a second recess crossing-over the first recess. The elastomeric layer further includes a flexible elastomer membrane that forms a ceiling of the first recess which is able to be actuated into the first recess to control a flow rate of the fluid flow along the length of the first recess in response to a variation in pressure in the second recess.

Contrary to this, Moles discloses a module formed from laminate layers. In support of the rejection, the Examiner asserts that Moles teaches a first recess 12, an elastomeric layer 4 containing a second recess 24, 26, wherein the elastomer layer contains a portion 8 that forms a ceiling over the first recess 12 and can be actuated into the first recess 12. *See Office Action* mailed October 5, 2005 at page 2.

It is well established that to anticipate a claim, a reference must disclose every element of the claim. *Verdegaal Bros. v. Union Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in complete detail as is contained in the claim. *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989).

Whatever else Moles may disclose, it does not disclose a second recess in the elastomeric layer which *crosses-over* the first recess, nor does it disclose that a flexible elastomer membrane that forms a ceiling of the first recess is able to be actuated into the first recess to control a flow rate of fluid flow along the length of the first recess *in response to a variation in pressure* in the second recess. The claimed configuration is linked to the claimed operation in that the crossing-over of the second recess with regard to the first recess allows the pressure variations in the second recess to actuate the flexible membrane into the first recess so as to act as a control valve.

The configuration of the module of Moles does not and cannot function in such a manner. Instead, valve actuation conduit 30 is used to actuate valve 22 so as to control flow between inlet channel 24 and egress channel 26. Vaulted concavity 12 forms the body of valve 22 to allow communication between inlet channel 24 and egress channel 26, rather than providing a main flow channel which flow is controlled through variations in pressure in channels 24, 26. *See Moles*, Col. 3, line 54 - Col. 4, line 11. As such, Moles does not disclose the claimed composite structure.

For at least this reason, it is submitted that Moles does not teach each and every limitation of the present claims. As such, withdrawal of this rejection is respectfully requested.

## CONCLUSION

In view of the foregoing, Applicants believe all claims under consideration in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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